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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 22 August 2017 from the Permanent Mission of the United States of America to the United Nations and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the United States of America to the United Nations and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to transmit the response of the Government of the United States of America on the country mission report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights (A/HRC/36/44/Add.1) (see annex). The Permanent Mission requests the secretariat of the Human Rights Council to circulate the present note verbale and the annex thereto* as a document of the thirty-sixth session of the Council under agenda item 3.

* Reproduced as received, in the language of submission only.

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Annex to the note verbale dated 22 August 2017 from the Permanent Mission of the United States of America to the United Nations and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Response of the Government of the United States of America to the report of the Special Rapporteur on the impact of unilateral coercive measures on the enjoyment of human rights on his visit to the Russian Federation

The United States wishes to provide this addendum for the record regarding sanctions imposed by the United States, the European Union, and a broad coalition of countries on Russia since 2014 in response to its aggression in Ukraine. The pressure of our sanctions has helped deter further Russian aggression and supports the Minsk framework for resolving the conflict in eastern Ukraine. The United States, the EU, and a broad coalition of countries have publicly and repeatedly stated that there will be no sanctions relief on Russia until it meets its commitments under the Minsk agreements, while also maintaining that our Crimea sanctions will remain until Russia ends its occupation and attempted annexation of Crimea and returns control of the peninsula to Ukraine.

The UN General Assembly (UNGA), including through UNGA resolution 68/262, has affirmed its commitment to Ukraine's territorial integrity, denounced the illegitimate referendum held in Crimea, and called on States not to take any actions that would recognize any change to the status of Crimea as a part of Ukraine. As has been extensively documented by the Office of the High Commissioner on Human Rights (OHCHR) and other major international expert bodies, the parts of Ukrainian territory currently under the control of Russia-led forces have experienced an appalling deterioration in human rights conditions, which has included extrajudicial killings, enforced disappearances, and the systematic use of torture against detainees.

We urge you to review the reports of the UN's Human Rights Monitoring Mission in Ukraine, which have documented these abuses in great depth, as have experts of the Council of Europe and OSCE. Moreover, the UN General Assembly Resolution passed in December 2016 on the "Situation of human rights in the Autonomous Republic of Crimea and the City of Sevastopol (Ukraine)" expressed the international community's concern about "the reported serious violations and abuses committed against residents of Crimea, in particular extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, arbitrary detentions, torture and ill-treatment of detainees and their transfer from Crimea to the Russian Federation, as well as reported abuses of other fundamental freedoms, including the freedoms of expression, religion or belief and association and the right to peaceful assembly."

The United States also imposes sanctions on Russia under the Sergei Magnitsky Rule of Law Accountability Act of 2012, which provides authorities to sanction persons responsible for the detention, abuse, or death of Sergei Magnitsky; participated in efforts to conceal the legal liability for or financially benefited from his detention, abuse, or death; or were involved in the underlying criminal conspiracy he uncovered. It also provides authorities to sanction persons responsible for certain other gross violations of human rights in Russia. Under this authority, we have publicly listed and sanctioned 44 individuals,

many of whom play significant roles in the repressive machinery of Russia's law enforcement systems, as well as individuals involved in notorious human rights violations, such as the killings of whistleblower Alexander Litvinenko and journalist Paul Klebnikov.

This report from the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights completely ignores the impact of Russia's increasingly authoritarian restrictions on the human rights of the Russian people. In recent years, the Russian government has eliminated any opposition from the parliament; deeply eroded judicial independence; taken control of all television media and launched an unprecedented campaign to propagandize and manipulate private citizens and residents; subjected hundreds of dissenters to politically-motivated and unjustified prosecution; launched a crackdown on independent civil society; prevented political opposition candidates from appearing on the ballot, and targeted members of religious minorities and LGBTI persons for harassment and discrimination.

Lastly, the United States not only rejects the notion that these targeted sanctions violate human rights, but on the contrary believes that sanctions can be a powerful tool to promote human rights and hold accountable those who violate them. We reject the premise of the Human Rights Council's mandate on unilateral coercive measures, as detailed in our explanations of vote against the resolutions on this topic.